

**SUPREME COURT MINUTES
THURSDAY, JUNE 24, 2010
SAN FRANCISCO, CALIFORNIA**

S151961 A112831 First Appellate District, Div. 5 **PEOPLE v. LOW (TONY RICHARD)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Baxter, J.

-- joined by George, C. J., Kennard, Werdegar, Chin, Moreno, and Corrigan, JJ.

S153170 F050325 Fifth Appellate District **PEOPLE v. GASTELLO (TOMMY)**

Opinion filed: Affirmed in part, reversed in part

The reasons used by the Court of Appeal to set aside defendant's conviction under section 4573 conflict with the analysis employed under closely related circumstances in *Low*. On this basis, the judgment of the Court of Appeal is reversed insofar as it reversed defendant's conviction under section 4573. In all other respects, the judgment is affirmed.

Majority Opinion by Baxter, J.

-- joined by George, C. J., Kennard, Werdegar, Chin, Moreno, & Corrigan, JJ.

S183731 A128424 First Appellate District, Div. 3 **HAYNES (JONATHAN) v. S.C. (PEOPLE)**

Stay order filed

Pending final determination of the petition for review filed herein, execution of the Governor's Warrant of Rendition ordering that Jonathan Haynes be returned to the State of Illinois, dated March 17, 2010, is hereby stayed.

S029551 **PEOPLE v. JOHNSON (JOE EDWARD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's opening brief by September 20, 2010, counsel's request for an extension of time in which to file that brief is granted to August 19, 2010. After that date, only one further extension totaling about 30 additional days is contemplated.

S030402**PEOPLE v. TULLY
(RICHARD CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by August 30, 2010, counsel's request for an extension of time in which to file that brief is granted to August 30, 2010. After that date, no further extension will be granted.

S040704**PEOPLE v. JOHNSEN (BRIAN
DAVID)**

Extension of time granted

Good cause appearing, and based upon counsel Neoma Kenwood's representation that she anticipates filing the appellant's opening brief by July 2, 2011, counsel's request for an extension of time in which to file that brief is granted to August 17, 2010. After that date, only six further extensions totaling about 320 additional days are contemplated.

S044739**PEOPLE v. BANKSTON
(ANTHONY GEORGE)**

Extension of time granted

Good cause appearing, and based upon State Public Defender Michael J. Hersek's representation that he anticipates filing the appellant's opening brief by October 9, 2010, counsel's request for an extension of time in which to file that brief is granted to August 17, 2010. After that date, only one further extension totaling about 55 additional days is contemplated.

S049596**PEOPLE v. BRYANT
(STANLEY), SMITH
(DONALD FRANKLIN), &
WHEELER (LEROY)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Victoria B. Wilson's representation that she anticipates filing the opposition to the request to retain, inspect, and copy sealed documents by July 13, 2010, counsel's request for an extension of time in which to file that brief is granted to July 13, 2010. After that date, no further extension is contemplated.

S050102**PEOPLE v. HENSLEY (PAUL
LOYDE)**

Extension of time granted

Good cause appearing, and based upon counsel Richard L. Rubin's representation that he anticipates filing the appellant's reply brief by April 2011, counsel's request for an extension of

time in which to file that brief is granted to August 20, 2010. After that date, only four further extensions totaling about 240 additional days are contemplated.

S056364**PEOPLE v. JONES (ALBERT)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to August 17, 2010. After that date, no further extension will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S094890**PEOPLE v. MANIBUSAN
(JOSEPH KEKOA)**

Extension of time granted

Good cause appearing, and based upon counsel David S. Adams's representation that he anticipates filing the appellant's opening brief by the end of September 2010, counsel's request for an extension of time in which to file that brief is granted to August 23, 2010. After that date, only one further extension totaling about 40 additional days is contemplated. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S095223**PEOPLE v. BLOOM
(ROBERT MAURICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing the appellant's opening brief by July 21, 2010, counsel's request for an extension of time in which to file that brief is granted to July 21, 2010. After that date, no further extension is contemplated.

S099770**PEOPLE v. COOPER (LEON
CHAUNCEY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that she anticipates filing the appellant's opening brief by August 1, 2010, counsel's request for an extension of time in which to file that brief is granted to August 2, 2010. After that date, no further extension is contemplated.

S099844**PEOPLE v. RAMIREZ (JUAN VILLA)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 23, 2010.

S103087**PEOPLE v. POST (JOHN)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tita Nguyen's representation that she anticipates filing the respondent's brief by September 17, 2010, counsel's request for an extension of time in which to file that brief is granted to August 18, 2010. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S105908**PEOPLE v. GHOBRIAL (JOHN SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by November 2010, counsel's request for an extension of time in which to file that brief is granted to August 27, 2010. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S113962**PEOPLE v. PARKER (CALVIN LAMONT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 24, 2010.

S114671**PEOPLE v. SCHULTZ (MICHAEL JOSEPH)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 17, 2010.

S122611**PEOPLE v. STESKAL
(MAURICE GERALD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 23, 2010.

S126214**PEOPLE v. CRUMMEL
(JAMES LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 23, 2010.

S131819**PEOPLE v. WILLIAMS
(GEORGE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 20, 2010.

S151222**LETNER (RICHARD LACY)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Jean R. Sternberg's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 10, 2010, counsel's request for an extension of time in which to file that document is granted to August 17, 2010. After that date, only two further extensions totaling about 110 additional days are contemplated.

S158842**BARNWELL (LAMAR) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Catherine Okawa Kohm's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by August 31, 2010, counsel's request for an extension of time in which to file that document is granted to August 20, 2010. After that date, only one further extension totaling about 11 additional days is contemplated.

S177468**THOMAS (JOHNNY C.) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to July 23, 2010.

S178102**MARLOW (JAMES G.) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Pamela Ratner Sobeck's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by July 22, 2010, counsel's request for an extension of time in which to file that document is granted to July 22, 2010. After that date, no further extension is contemplated.

S178166**MARLOW (JAMES G.) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Pamela A. Ratner's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by September 30, 2010, counsel's request for an extension of time in which to file that brief is granted to September 3, 2010. After that date, only one further extension totaling about 27 additional days is contemplated.

S180912**ADCOX (KEITH EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General George M. Hendrickson's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by December 2010, counsel's request for an extension of time in which to file that document is granted to August 17, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

S180940**RAMIREZ (ARTHUR
ESPINDOLA) v. S.C.
(PEOPLE)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to July 1, 2010.

S147335**PEOPLE v. MITCHELL, JR.,
(LOUIS)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Louis Mitchell, Jr., for the direct appeal in the above automatic appeal now pending in this court.

S181963

C056510 Third Appellate District

**PEOPLE v. BROWN III
(JAMES LEE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Mark J. Shusted is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S182172

F058082 Fifth Appellate District

**PEOPLE v. BOWMAN
(KEVIN ALAN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Richard Moller is hereby appointed to represent appellant on the appeal now pending in this court.

S169753

A120050 First Appellate District, Div. 4

**TVERBERG (JEFFREY) v.
FILLNER CONSTRUCTION,
INC.**

Order filed

Defendant Fillner Construction's Motion to Vacate Submission, filed on June 23, 2010, is denied.

S183691**BAUER ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN DENNIS BAUER, State Bar Number 50084, is suspended from the practice of law in California for 30 days.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. STEVEN DENNIS BAUER must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment is enforceable as provided under Business and Professions Code section 6140.5.